

UNITED STATES DISTRICT COURT

for the
Western District of North Carolina

United States of America

v.

David Perez Garcia

Date of Original Judgment: January 13, 2003

Date of Last Amended Judgment: _____

)

) Case No: DNCW301CR000036-001

) USM No: 35933-048

)

) Pro se

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ **is reduced to** _____

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

| | | | |
|----------------------------|-----------------|----------------------------|-----------------|
| Original Offense Level: | 42 | Amended Offense Level: | 42 |
| Criminal History Category: | III | Criminal History Category: | III |
| Original Guideline Range: | 360 months-life | Amended Guideline Range: | 360 months-life |

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.
- ☒ Other Since the defendant was not held accountable for crack cocaine in the calculation of his guidelines, Amendment 750 is not applicable in this case.

III. ADDITIONAL COMMENTS


Except as provided above, all provisions of the judgment dated January 13, 2003 shall remain in effect.

IT IS SO ORDERED.

Order Date: April 2, 2013

Signed: April 2, 2013

Effective Date:
(if different from order date)



Frank D. Whitney
United States District Judge

